

## REMARKS

In response to the Office Action dated May 16, 2005, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks.

Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 42 is pending and claims 1-41 cancelled to expedite prosecution. Such cancellation should not be considered acquiescence in the rejection.

The Office Action objected to the drawings under 37 C.F.R. 1.83(a). Figure 4 has been revised to include the steps from claims 41 and 42. No new matter has been entered as this processing is described in at least paragraphs [0071] and [0076] of Applicants' specification.

Claim 42 was rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement.

A *prima facie* case of lack of written description requires that the application does not reasonably describe or convey the concepts to one of ordinary skill in the art at the time of filing the patent application that the inventor had possession of the claimed invention. The Office Action failed to establish a *prima facie* case of lack of written description, because Applicant's specification, including drawings and original claims, reasonably describes the concepts of the rejected claims for at least the following reasons.

The Applicants clearly had possession of the invention of claim 42 upon filing. The processing steps of claim 42 are fully described in at least paragraphs [0071] and [0076] of Applicants' specification. The language of claim 42 mirrors that of paragraph [0071] and thus the Applicants' original specification clearly indicates that the inventors, at the time of filing, had possession of the claimed invention.

Claim 42 was rejected under 35 U.S.C. § 103 as being unpatentable over Light in view of Raith and Borowski and King. This rejection is traversed for the following reasons.

Light discloses a system for managing cell handoff in which the distance from a neighboring cell is used to determine the closest cell site for a handoff. The system uses pilot signals from the neighboring cell sites to determine a closest cell site for handoff (col. 6, lines 21-42). The secondary references Raith and Borowski were relied upon for disclosing using geographic information to locate a mobile device.

King was relied upon for allegedly teaching “processing a velocity vector to determine the road or highway that the portable wireless devices appears to be traveling.” Applicants submit that King does not teach processing a velocity vector to determine the road or highway that the portable wireless devices appears to be traveling. King discloses a GPS system in which position and velocity vector are determined for a satellite, not for the mobile device. The position and velocity vector of the satellite are used in the GPS process, but is not the position and velocity vector of the mobile device and is not used to “determine the road or highway that the portable wireless devices appears to be traveling.” The combination of Light, Raith, Borowski and King fails to teach “processing a velocity vector to determine the road or highway that the portable wireless devices appears to be traveling.”

For the above reasons, claim 42 is patentable over Light, Raith, Borowski and King.

For at least the reasons advanced above, it is respectfully submitted that the application is in condition for allowance. Accordingly, reconsideration and allowance of the claims are respectfully requested. The Examiner is cordially requested to telephone, if the Examiner believes that it would be advantageous to the disposition of this case.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, which may be required for this amendment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in any petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby

authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 06-1130.

Respectfully submitted,

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